IN THE HIGH COURT OF PUNJAB AND HARYANA AT CHANDIGARH.

R.S.A. No. 1120 of 2007 (O&M)

DATE OF DECISION : 16.04.2007

Dinesh Kumar Sharma

.... APPELLANT

Versus

Naresh Kumar Sharma and another

..... RESPONDENTS

CORAM :- HON'BLE MR. JUSTICE SATISH KUMAR MITTAL

Present: Mr. Sandeep K. Sharma, Advocate,
for the appellant.

This is plaintiff's Regular Second Appeal. His suit for declaration and mandatory injunction declaring him to be owner of the suit property by adverse possession has been dismissed by both the courts below.

I have heard counsel for the appellant and gone through the impugned judgments and decree, passed by the courts below.

In this case, the appellant claimed himself to be in possession of the suit property on the basis of a family settlement. Undisputedly, the suit property is owned by father of the plaintiff, who was alive at the time of filing of the suit. Both the courts below have recorded a finding of fact, on the basis of evidence led by both the parties, to the effect that the family settlement as alleged by the plaintiff has not been proved at all. It has also not been proved that possession of the appellant has ripened into adverse possession. Counsel for the appellant could not point out any illegality, infirmity or perversity in the said finding of facts recorded by the courts below. No substantial question of law is involved in the appeal.

Dismissed.

April 16, 2007 **(SATISH KUMAR MITTAL)**
ndj **JUDGE**